



**20<sup>th</sup> ANNUAL SPRING PLANNING AND ZONING CONFERENCE**  
**MOUNTAIN VIEW GRAND RESORT**  
**WHITEFIELD, NEW HAMPSHIRE**  
**MAY 3, 2014**

**CONFERENCE AGENDA**

**REGISTRATION: 8:30 AM – 9:00 AM**

**WELCOME AND ORIENTATION: 9:00 AM – 9:15 AM**

**OPENING PLENARY SESSION**

**9:15 AM to 10:30 AM**

**BIG HOUSES, SMALL HOUSEHOLDS: MEETING NEW HAMPSHIRE'S CHANGING HOUSING NEEDS**

*Dennis Delay, Deputy Director, NH Center for Public Policy Studies, Concord, NH*

*Russ Thibault, President, Applied Economic Research, Inc., Laconia, NH*

The size of households in the Granite State continues to shrink and our population continues to age relative to other states. We are at risk of having a housing supply that is not suited to our needs. This concern is compounded by the fact that New Hampshire is unlikely to see significant economic growth for the foreseeable future. While we have a need for different types of housing to meet the changing demands of an aging society with smaller families, New Hampshire homeowners may have a hard time selling their homes, even if they want to move into something different. At the same time, renters will find prices continuing to rise, and some will be pushed out into less desirable places. Learn about these trends from Dennis Delay and Russ Thibault, who've just completed a study for New Hampshire Housing that focuses on the state's housing needs over the next 10 years.

**CONCURRENT SESSIONS**

**10:45 AM TO 12:00 PM**

**ZBA DECISION MAKING PROCESS**

*Paul Sanderson, Esq., New Hampshire Municipal Association, Concord, NH*

You've notified abutters, held the public hearing, heard hours of testimony, and now it's time to make a decision. What do you do? Do you have to decide right then and there? What if you only have four members present? Can there be conditions of approval? Do you vote on each of the criteria separately? Do you have to vote on anything at all? If these and other questions have plagued your ZBA, this session is for you.

**BASICS FOR THE PLANNING BOARD**

*Matthew Serge, Esq., Upton & Hatfield, LLP, Concord, NH*

This session is designed for new planning board members and those who want a refresher course on the basics. Topics for discussion include the planning board's rules of procedure, conflict of interest, the right to know law, and procedures for conducting meetings and public hearings.

**WIRELESS TOWERS: MANAGING THE APPROVAL PROCESS TO PROTECT MUNICIPAL INTERESTS  
AND COMPLY WITH FEDERAL AND STATE LAW**

*Katherine Miller, Esq., Donahue, Tucker & Ciandella, PLLC, Exeter, NH*

Recent changes in state and federal laws pertaining to the siting of telecommunications facilities will be covered in this session. Discussion will focus on 2013 amendments to RSA 12-K and developments in federal telecommunications law that have an impact on permitting wireless facilities. This session is an ideal update for planning board members and other local officials.

## **DEFINING POTABLE WATER IN MUNICIPAL BUILDING AND HEALTH CODES**

*Pierce Rigrod, Environmentalist IV, NH Department of Environmental Services, Concord, NH*

Potable water is a requirement under the NH State Building Code; yet it is not clearly defined. This makes it difficult to ensure private well water is free from natural or human sources of contamination that may be present in groundwater. This session will review the need for a clearer potable water definition and summarize new guidance for municipal health and code enforcement officers concerning potable water standards in local codes.

## **BIG HOUSES, SMALL HOUSEHOLDS, PART 2: LOCAL POLICIES FOR THE NEW DEMOGRAPHY**

*George Reagan, Housing Awareness Program Administrator, New Hampshire Housing, Bedford, NH*

*Benjamin D. Frost, Esq., AICP, Director of Public Affairs, New Hampshire Housing, Bedford, NH*

*Dennis Delay, Deputy Director, NH Center for Public Policy Studies, Concord, NH*

*Russ Thibeault, President, Applied Economic Research, Inc., Laconia, NH*

Following up on the opening plenary session with Dennis Delay and Russ Thibeault, George Reagan and Ben Frost will join them to facilitate an exploration of the impacts that New Hampshire's changing demographic trends will have on our communities. What are the policy implications for us as local planners? What are some possible responses? Can we induce younger people to come and stay in New Hampshire? Can we plan for communities that are more hospitable to an aging population? Your thoughts on these questions will drive the discussion.

### **LUNCH**

**12:00 PM – 1:15 PM**

### **CONCURRENT SESSIONS**

**1:15 PM to 2:30 PM**

## **ROLES AND RESPONSIBILITIES OF THE ZONING BOARD OF ADJUSTMENT (double session-1:15 PM-4:00 PM)**

*Christopher L. Boldt, Esq., Donahue, Tucker & Ciandella, PLLC, Meredith, NH*

This session will cover in detail the responsibilities of the ZBA, including appeals of administrative decisions, special exceptions, and variances. Ample time will be devoted to walking through the five statutory variance criteria.

## **PLAN READING AND ANALYSIS - PRESENTATION, VIRTUAL TOUR, AND HANDS-ON PLAN READING (double session-1:15 PM-4:00 PM)**

*Sylvia Von Aulock, Town Planner, Town of Exeter, NH*

Have you volunteered for your local land use board (planning, conservation, zoning) and realize you are not too confident on how to read or analyze engineering plans? **Don't panic**, this session will help you learn to do just that. You will review a variety of plan types including existing conditions, grading and drainage, road profiles, and landscape plans. During the first session, Sylvia will cover some of the basic terms and plan types, then take you on a virtual tour to discuss site development elements on a variety of properties. In the second session, you will color actual engineering plans, learn a step-by-step process for highlighting plans, and then analyze plans as they "come alive" with color. By the end of the session you will have a good idea on how you can make plans more "readable," how to begin your analysis of plans, and how to use highlighted plans as a tool for discussion with developers. ***Please bring 3 or 4 highlighters in various pastel colors to mark up your plans.***

**AGRICULTURE, 'AGRITOURISM' AND LAND USE CONTROLS (double session-1:15 PM–4:00 PM)**

*Dan Crean, Esq., Executive Director, NH Municipal Lawyers Association, Pembroke, NH*

*Michael Donovan, Esq., Donovan Law Office, Concord, NH*

The legislature has decreed that "Agriculture makes vital and significant contributions... and shall not be unreasonably limited by use of municipal planning and zoning powers..." In addition, state law defines "agritourism" as "...attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation." How municipal land use power should be interpreted and applied in 2014 and beyond will be reviewed in the context of situations such as determining whether activities are ancillary to farm operations; urban and suburban activities such as backyard chickens and front yard gardens; and large scale agricultural uses and land use controls.

**LEGAL UPDATE (double session-1:15 PM – 4:00 PM)**

*Benjamin D. Frost, Esq., AICP, New Hampshire Housing, Bedford, NH*

This 2 ½-hour session will review recent decisions of the New Hampshire Supreme Court involving land use issues and the impact these rulings have on municipal planning and zoning regulations. Legislative changes that affect the responsibilities of both the planning and zoning boards will also be reviewed.

**SAVING ENERGY WITH MIXED-USE VILLAGES**

*Nathan Miller, Executive Director, Upper Valley Lake Sunapee Regional Planning Commission*

*Andrew Gast-Bray, Planning and Zoning Director, City of Lebanon*

Learn how Lebanon is changing its land use regulations to encourage mixed-use villages and a long-range multimodal transportation plan (LMTP) as a way of reducing energy consumption. Getting people out of their cars and walking, sprawl avoidance, and the feasibility of robust transit and "multimodal travel" will all be topics of discussion, along with the associated energy savings with different land use patterns, climate resiliency, distributed generation and streetlights.

**SESSION BREAK**

**2:30 PM – 2:45 PM**

**CONCURRENT SESSIONS**

**2:45 PM TO 4:00 PM**

**ROLES AND RESPONSIBILITIES OF THE ZONING BOARD OF ADJUSTMENT (continued from 2:30 PM)****PLAN READING AND ANALYSIS - PRESENTATION, VIRTUAL TOUR, AND HANDS-ON PLAN READING (continued from 2:30 PM)****AGRICULTURE, 'AGRITOURISM' AND LAND USE CONTROLS (continued from 2:30 PM)****LEGAL UPDATE (continued from 2:30 PM)****PRESERVATION PLANNING: WHAT EVERY PLANNING BOARD MEMBER NEEDS TO KNOW**

*Maggie Stier, Field Service Representative, NH Preservation Alliance*

Thoughtful decision-making includes consideration of the historic character of a community. Successful strategies include a mix of regulatory and voluntary measures, including demolition review ordinances, neighborhood heritage districts, and incentives like RSA 79-E (Downtown Tax Incentive) which, in its new expanded form, can also provide a tax incentive for energy improvements in historic buildings.